App. F. IX-4

Previous References.

1943
Pris

File No. 81-43
Serial Nos. 1-3

Preserve

Later References.
Pri 33-53-2

PRESERVED

GENERAL AND REVENUE SECRETARIAT

Serial Nos. Secret

Part B for August 1943

SUBJECT

Proposal to bring the Mysore Probation of Offenders Act in the cities of Mysore & Bangalore.

3016/43 pt

The Mysore Prison Reforms.

Continuation Sheet. File No. / Current No. of Page.

1) The Mysore Probation of Offenders Act has been passed into law.

It comes into force in such area and on such date as the Government may by notification direct.

It extends to adult offenders the system of probation allowed for juveniles under the Children Act.

The Act may perhaps be brought into force as an experimental measure in the cities of Bangalore and Mysor The District Magistrates of Bangalore and Mysore will, if approved, be requested to furnish their opinion as to the desirability of bringing the enactment into force in the two cities of Bangalore and Mysore, and to submit proposals in case they consider it desirable to bring the enactmen into force in the two cities.

SEC'T 4057 3 DRE

MWW 26/10

Law Secy) 2) Yes. May may be requested & furnish proposals by the end of November 43

Mr Law RA

OFFICE THE MINISTER FOR LAW 26 OCT 43 No. 2560

3) RA

LTW

27 X 43

MWW 27/10

4) Issue drafts to

WD 0972—GPB—10,000—21-10-42

"prison" Reforms.

Continuation Sheet. Pris File No. / Current No. 81 of 43 Page.

Issued Letter No. P 2978 dated 7th Nov 1943
to the Dist Magistr, Mysore Dt.
Issued Letter No. P 2979 dated 7th Nov 1943
to the Dist Magistr, Bangalore Dt
Please postponed 2nd December
1943.
MMV 13/4

A D.O. Reminder is put up for appl.

Issue
MMV
2/12/43 Issued No P 3735-36 dated 2-12-43
MMV 2.12
Postponed as D.O. reminder
MMV 14/2

Hrs A 2/12/43

A Dft D.O Reminder is put up
for appl
Issue
MMV
6/12/44 14/2

To The D.M. Mysore
" " " Bangalore Dt
D.O No: S189-90 dated 17-2-44

Hrs A 18/2/44

Issue as D.O. reminder
MMV 19/4

immediately

Issue
MMV
13/4.

Reminder to the D.M: Mysore Dt has not been issued in view of the postponement already received

6/14 Taffer (Sl2

Form,
To the Dist Magistr, Mysore Dt.
Letter No: Crl 204/43-44 dated 20.3.1944
Stating that the Act may be brought into force in the Mysore city.

Press

Enforcement of the Prohibition Offenders Act

Public Works Secretariat. | Pris File No. 81 of 1943.

Serial No.

Letter No. C.L. 204/43-44 dated 31.4.1944 from the same officer forwarding a list of names of persons who will be appointed as prohibition officers

1) Submitted for kind perusal. Files will be worked up after getting Govt. orders from the Dist. Magts. Bangalore Dt. who will be reminded.

2) Yes. 15.4.44

14/4/44

Issue as D.O. reminder to the Dist. Magte, Bangalore

16/4

Put up D.O. Reminders to the Dist. Magte. Bangalore today

The Dist. Magts. Bangalore Dt. Letter No. W.C. 39/44-45 dated 15.9.1944 stating that he has no objection to bring the Prohibition of Offenders Act into force in Bangalore city.

Submitted to Dist. Magts, Bangalore

Note.—Contn. sheet.

WT 61094—GPB—20,000—22-2-41

Press

Probation of Offenders Act 5

Dist has not sent a list of persons offices or has been done by the Dist Magte., Mysore Dist

Apart from that, rules have not framed under the Act till before enforcement provisions in the city of Mysore & Bangalore. If approved, the Govt of Mysore will be requested to frame ~~the requisite~~ a set of rules under the Act for forwarding them to Govt at an early date for approval

6 Ex. M Coll

1) The District Magistrate, Bangalore, states that he has no objections to the bringing into force in the city of Bangalore of the Probation of Offenders Act. The District Magistrate Mysore is in favour of it being brought into force in the city of Mysore. He has further sent in a list of persons who may be appointed as Probation officers in the city of Mysore.

12) The Probation of Offenders Act provides for the release of offenders of certain classes on probation and the making of supervision orders by the Court placing the offenders under the supervision of a Probation Officer. Such Probation officers may be (1) persons appointed by the Govt or (2) persons nominated for the purpose with the previous approval of Govt by a recognised agency or (3) any other person who in the opinion of the Court is a fit person to act as a Probation Officer in the special circumstances of the case. The Act imposes certain duties on the Probation Officers. They have to visit the offenders at reasonable intervals; see that the offenders ~~[illegible]~~ conditions of their respective bond

report to the Court on the behaviour of the offenders, advise, assist and befriend the offenders and find them suitable employment and perform any other duty which may be prescribed by rules.

12) The successful working of the Act thus depends upon a network of capable and efficient Probation Officers. It is not possible for Govt to create this network without great financial cost. In Madras and in Bombay where similar enactments are in force, the working of appointing and paying the Probation Officers is undertaken by the Prisoners Aid Societies. In Mysore also this work may be entrusted to the Discharged Prisoners Aid Society. The Society, however, is moribund and the I.G. of Prisons has been requested to take steps for revival. After this society is revived, it may be consulted whether it is prepared to undertake the appointment and payment of Probation Officers, and if it agrees to do so, the question of bringing the enactment into force in the cities of Bangalore and Mysore may be considered. Till then the question may lie over.

MKV 2/8/44

Law Secy

) Manager The Madras Jules

Court

Ac 2-8 44

Prisons
Probation of Offenders Act

File No.

Continuation Sheet. ——— of Page.

Current No.

15) + Submitted herewith copy of the Madras Rules on the subject (Flag A). Rules appended hereto invited to Rules 2, 3, 4, 5, 6 and 7.

MNV
1.3.18.

SECY. L
17 X
G.L.
CORR

Law Secy

16) Unless there is any central organising & supervising authority the Scheme of Probation cannot possibly be worked efficiently There will be no uniformity in procedure. Non-Officials as Probation Officers would work under such an organisation in the Mofussil and Special Officers would be required in all the Courts in Madras City. The Probation Officers cannot be appointed by the Courts but must be appointed by the Govt. Such an organisation as the D.P.O. Society would be necessary in Madras City.

Cus
3.8.44

OFFICE OF THE MINISTER FOR REVENUE & LAW
5 AUG 1944
No.

17) Madras Rules Law Secy does not appear to me to do not call for any comments. Action may be taken as suggested by Govt. Secy. vide D.O. 2/8/44

MNV 3/8

KLM 7/8

CVM 4.8.44

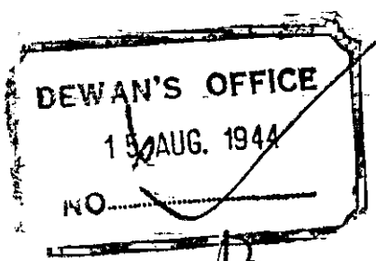
Penis 526

'Continuation Sheet. File No. Probation of Offenders Act

Current No. of Page

18) Jan Pawar

Dewan



Secy 18/8

Secy 17/8

P. 2978

1st November 1943.

Pris 81-43-1

Law Department.

The District Magistrate,
Mysore District, Mysore.

Sir,

I am directed to invite your reference to the provisions of the Mysore Probation of Offenders Act and to request you to be so good as to furnish your opinion as to the desirability of bringing the said enactment into force in the city of Mysore and in case you consider it desirable to do so, to submit proposals for bringing its provisions into force in the city of ~~Msy~~ Mysore.

I have the honor to be,
Sir,
Your most obedient servant,

1/11

P.2979

15th November 1943.

P; 81-43-1

Law Department.

The District Magistrate,
Bangalore District, Bangalore.

Sir,

I am directed to invite your reference to the provisions of the Mysore Probation of Offenders Act and to request you to be so good as to furnish your opinion as to the desirability of bringing the said enactment into force in the City of Bangalore and in case you consider it desirable to do so, to submit proposals for bringing its provisions into force in the city of Bangalore.

I have the honor to be,
Sir,
Your most obedient servant,

Appendix F. G.—1]

SUBJECT..... Proposal to bring the Mysore Probation of Offenders Act into force in the City of (1) Mysore (2) Bangalore

Section Pris

File No. 81-43

Serial No.

Diary No. of letter replied to.....

No. 3735-36

To

General and Revenue Secretariat

( )

the *194* .

The District Magistrate (1) Mysore Distt (2) Bglore Distt.

Date of issue... 2-12-43

Subject: X

Dear Sir,

Signed by..... Mr M-Krs.

I am desired to invite reference to this office letter No 2978 dated 1st Novr 1943 on (2) 2979 the above subject and to request you to be so good as to expedite your reply in the matter if you consider it desirable to do so.

List of enclosures.....

Yours sincerely

Copied by.....

Examined by.....

WD 04161—GPB—60,000—24-10 41

Appendix F. G.—1]

SUBJECT..... Proposals for bringing the Mysore Probation of Offenders Act into force in the city of (1) Mysore (2) Bangalore

Section

File No.

Serial No.

Diary No. of letter replied to.....

No. P-5189-90

To

General and Revenue Secretariat

( )

the *194* .

The District Magistrate
(1) Mysore Distt
(2) Bangalore Dt
Lrly

Date of issue.... 17-2-44

Signed by.... Mr M-K.V.

Dear Sir,

I am desired to invite reference to this office letter No (1)P-2978 dated (2)P 2979 1st March 1943 and to my D. O. reminder No P. 3735-36 dated 2nd Dec 1943 on the above subject and to request you kindly to expedite your proposals in the matter without further delay

Yours sincerely
MKV

X

Flags A & B

List of enclosures.....

Copied by.... 16.2.44

Examined by.....

6971/43

OFFICE OF THE DISTRICT MAGISTRATE,
Mysore District,
Dated, Mysore, the 20th March 1944.

Gl. 204/43-44.

P.S. 81-43.

From

C.M.H. RANAJODHA SINGH, Esq., B.A.,
District Magistrate, Mysore District.

To

C. NARAYANASWAMI NAIDU, Esq., B.A., B.L.,
Secretary to Government of Mysore,
Law Department, Bangalore.

Sir,

With reference to your letter No. P.2978 dated 1st November 1943, requesting me to furnish my opinion whether the provisions of the Mysore Probation of Offenders Act may be brought into force in the City of Mysore, I have the honour to state that in my opinion the provisions of the Act are, as detailed in the margin, a reproduction of the Code of Criminal Procedure with some alterations. The Magistrates exercising jurisdiction over the City of Mysore are the City Magistrate, and the Second City Magistrate, Mysore, the Second City Magistrate takes cognizance of offences under Sections 323, 324, 341, 342, 352, 353, 354, 426, 427, 447, 448, 451, 452, 453, 504 and 506 under the Indian Penal Code and also of offences under the following Acts.

(1) The Mysore City Municipal Act.
(2) The Police Act.
(3) The Vaccination Act.
(4) The Explosives Act.
(5) The Public Conveyances Act
(6) The prevention of cruelty to Aminals Act.
(7) The Talimkhana Rules.

Section of the Act.	Corresponding provision in the Code of Criminal Procedure or other law.
Section 4	Section 562 (1a) Cr.P.C.
" 5 (1 a and b)	Section 562 (1) "
First proviso to Sec.5. 1(6)	" 564 "
Sedtion 6.	" 545 and 546 " & " 39 of the Court Fees Act.
Section.7.(1)	Section 412 Cr.P.C.
" 7 (2)	" 423 & 439 "
Section 8(1)	" 563. "

The other offences committed in the City are tried by the City Magistrate. Both the Magistrates are Magistrates of the First Class and there is, therefore, no necessity to empower them specially to exercise powers under Section 3 (1) of the Act.

The details of cases under the Indian Penal Code dealt with during the previous year(1942-43) by the City Magistrate and the Seond City Magistrate and those resulting in conviction are as furnished in the margin

Offences under I.P.S.	No. Instituted.		No.convicted.	
	Cases.	Persons.	Cases.	Persons
City Magistrate, Mysore.	459	639	265	308
II City Magistrate, Mysore.	340	817	49	58

From those particulars it will be seen that the provisions of the Act wil have to be applied in not less than 300 persons convicted under the Indian Penal Code in a year

As the bringing into force of the provisions of the Act does not increase the work of the Magistrates to any appreciable extent, I am of opinion that the provisions of the Act may be brought into force into the City of Mysore. But before the Act is brought into force, probation officers should be appointed. According to Section 10 of the Act, (1) they may be appointed by --

Government or (2) they may be nominated for this purpose with the previous approval of Government by a recognised Society under Sub Section (1) (b); or (3) he may be any other person who in the opinion of the Court is a fit person to act as a probation Officer in the special circumstances of the case. According to Sub Section 2 of Section 10, the probation officers shall possess such qualifications as may be prescribed by rules made in this behalf.

According to Section 14(2) of the Act, Government may make rules, regarding the subject matters enumerated in clauses (a) to (e) of that Sub Section. I am not aware of any rules under the Act having been published by Government. As the selection of probation officers cannot be made without knowing the prescribed qualifications, they will be selected and reported to Government for appointment, if called for, as soon as the rules are published by Government. If required, the proposals for the recognition of Societites for the purposes of clause (b) of sub section (1) of Section 10 will also be submitted as soon as the rules are published.

The favour of early instructions are solicited.

I have the honour to be,
Sir,
Your most obedient servant,

District Magistrate,
Mysore District.

8.D

csv.

Sl.No.	Name and Address.
1.	Mr. Mohamad Jalilulla, M.A.LL.B. Lawyer and R.A. Member, Mysore.
2.	" Syed Abdul Rahiman, B.Sc., P.W.D. Contractor and R.A. Member Mysore.
3.	" M.S.Nanjappa, Yele Mandi Road, Mandi Mohalla, Mysore.
4.	" P.Chandrasekarappa, Merchant Halladakere, Mysore.
5.	" V.Thimmiah, Proprietor, V.R.& Brothers Gandhi Square Mysore.
6.	" L.K. Tatachar, Manager Chamundeswari Talkies, Mysore.
7.	" Rev. F. Audiau, Chaplain St. Philomena's Shrine, Mysore
8.	" B.Subbanna, Desabandi Representative 3694 Eranagare, Mysore.
9.	" Yajaman Papiah, Jalapuri, Mysore City.
10.	" Patel Hanegowda, Labour block, Mysore
11.	" B. Hira Singh, Retired Police Inspector 4635 Rajaput Block Mysore City
12.	" M.R.G. Naidu, Rtd. Asst. Instructor ~~Transport motor service~~ Government Training college, N.R. Mohalla, Mysore
13.	" G.R. Ramiah, Proprietor, Transport Motor Service, Mysore.
14.	" M. Ramachandran, B.A., B.T. A.C. Banker, 216/3 Sayyaji Rao Road
15.	" N. Rangachar, B.A. Retd. Police Inspector, 307 D.Subbiah Road, Mysore City
16.	" A.M. Mohamad Budan, Second hand motor spare parts Dealer 100 ft Road, Mysore City.
17.	" Veerabhadrappa, General Merchant, Tyagaraj Road, Mysore
18.	" H. Nanjaraj Urs, Inamdar Soppinakola street, Mysore
19.	" Venkatasubbiah, Light Contractor, Tyagaraj Road, Mysore
20.	" M.S. Channabhasappa, General merchant, K.R.Mohalla, Mysore.
21.	" N.Dasappa, Mysore Cycle and News paper Mart Chamaraja Road (K.M.Puram) Mysore City
22.	" S.Devanuja, Teacher, Methodist Mission High School Mysore.
23.	" K.Siddiah, Land Lord and R.A. Member A.K. Puram, Mysore.
24.	" Syed Abbas, Cycle and Taxi owner, Chamaraj Road, Mysore.
25.	" D. Yalakki Gowda Land Lord 2695 K.G.Koppal Mysore City.
26.	Mrs. M.Nanjamma Tutor Vocational institute D.Subbiah Road, Mysore C

"COPY"

For District Magistrate,
Mysore District.

G1-204/43-44.

Office of the District Magistrate,
Mysore District.

Dated, Mysore the 31st March 1944.

From

C.M.H. Ranajodha Singh, Esq., B.A.,
District Magistrate, Mysore District.

To

C. Narayanaswami Naidu, Esq., B.A.B.L.,
Secretary to Government of Mysore,
Law Department, Bangalore.

Sir,

In continuation of my letter No. G1-204/43-44 dated 21st March 44 stating that the provisions of the prbbation of offenders Act may be brought into force into Mysore City, I have the honour to enclose herewith a list of the gentleman who are agreeable and who may be appointed as Probation Officers under Section 10(a) of the said Act.

I have the honour to be,
Sir,
Your most obedient servant,

District Magistrate,
Mysore District.

526

No.N.C.39/44-45

OFFICE OF THE DISTRICT MAGISTRATE,
BANGALORE DISTRICT,
Bangalore Dated 15th July 1944.

Pri 81-43-3

From

Mahomed Ismail Sheriff, Esq., B.A.,
District Magistrate,
Bangalore District,
Bangalore.

To

C.Narayanaswamy Naidu, Esq., B.A.,B.L.,
Legal Remembrancer and
the Secretaryto the Government of Mysore,
Law Department,
BANGALORE.

Sir,

Subject:- Proposal for bringing the "Mysore probation of offenders Act" into force in the City of Bangalore.

With reference to your letter No.P.2979 dated 1st November 1943 on the above subject, I have the honour to state that I have no objection in bringing the said enactment into force in the city of Bangalore.

I have the honour to be,
Sir,
Your most obedient servant,

Deputy Commissioner,
Bangalore District.